

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RA-SON NUBA AMUN, f/k/a)	
Earl C. Cunningham, Jr.,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION 04-0131-BH-L
)	
GRANTT CULLIVER, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on Petitioner's Motion (Doc. 28) to Amend Complaint and Objection (Doc. 29) to Report and Recommendations. Petitioner seeks to amend his Complaint and seek only nominal and punitive damages, rather than the previously sought compensatory damages.¹ Pursuant to Fed.R.Civ.P. 15(a), the Court **hereby GRANTS** Petitioner leave to **AMEND** his Complaint to conform with the proposed Amended Complaint.

Petitioner's Objection (Doc. 29) to Magistrate Judge Lee's Report and Recommendations is based on the proposed amendment to the Complaint. The Court's granting of Petitioner's Motion (Doc. 28) to Amend has rendered the Report and Recommendations **MOOT**. Therefore, the Court hereby **GRANTS**

¹ Petitioner also sought declaratory and injunctive relief in his Original Complaint. However, unless otherwise noted, the claims asserted in an Amended Complaint supersede the terms in an earlier Complaint in their entirety. Because the claims of declaratory and injunctive relief found in Petitioner's Original Complaint are not included in his proposed Amended Complaint, they are deemed abandoned.

Petitioner's Objection (Doc. 29) to the Report and Recommendations and refers this matter back to Magistrate Judge Lee for further consideration.

So ORDERED, this 13th day of July, 2005.

s/ W. B. Hand
SENIOR DISTRICT JUDGE